

## Five Bills to Halt Landlords' Rent Law War

Lockwood Introduces the Measures as Amendments to Prevent Attacks on the Existing Statutes

### To Stop Court Congestion

Would End Harassing of Tenants by Monthly Suits Based on Identical Facts

ALBANY, April 8.—Anticipating another attempt on the part of the profiteering landlords to try to have the rent profiteering laws declared unconstitutional, Senator Charles C. Lockwood, on behalf of the Lockwood committee, today introduced five new bills amending the laws passed at the special session of the Legislature last September. The amendments make no fundamental changes in the rent laws. All that the legislation contemplates, as explained by Senator Lockwood, is to clear up doubtful points, save the time of tenants, landlords and the courts, expedite the trial and decision of cases, correct provisions which proved unnecessarily harsh in their administration and prevent, so far as possible, a renewal of the attack on the laws upon constitutional grounds.

**To Appoint Referees**  
One of the bills provides for the appointment of fifteen referees by the Appellate Division of the First Department and ten by the Second Department. This was found necessary because of the unprecedented number of untied cases now pending before the municipal courts. The referees must be of ten years' experience before the bar and shall receive \$25 a day, and may engage a stenographer at \$10 a day. They shall hold office until November 1, 1922, when the rent laws cease to operate, unless sooner removed.

Another bill amends the section of the law defining defenses in actions for rent. There are eight amendments to this section.

Senator Lockwood, in explaining these amendments, said tonight: "The first amendment provides that a tenant who paid three monthly installments of rent which have accrued after the term has commenced cannot then set up the defense that the rent is unjust. Some courts held that if a tenant had paid an increased rent he could not then have advantage of the defense. This amendment makes it plain that the defense can be interposed until three monthly payments have been made."

"The second amendment provides that when the tenant files his answer and deposits the rent at the old rate the landlord must then file the bill of particulars. It was found that many tenants filed answers, but failed to pay the rent in courts. This amendment will save much time and trouble to clerks of courts and owners."

"The third amendment is to avoid a possible but technical defense. The present law reads: 'If in an action against the occupant of premises for rent and for the rental value of the case or occupation thereof.' This is amended to read: 'If in an action for rent or for the rental value of the use or occupation of premises.'"

**Would Prevent Confusion**  
"The reason for striking out 'against the occupant of premises' is to prevent confusion."

"The fourth amendment refers to cases where tenants had been personally served with a summons and had failed to answer or deposit the old rent in court. In order to dispossess such a tenant under the present law he must be personally served with a five days' notice of the entry of judgment. Under the new amendment this five days' notice of the entry of judgment may be served by leaving it with a person of proper age at the tenant's residence."

"The fifth amendment relates to the payment of rent into court and payment to the landlord. By this amendment the procedure will be as follows: If the tenant is a holdover and the landlord sues for an increased rent the tenant must pay into the court whatever rent is due at the old, or former, rate, which the clerk will pay to the landlord on demand. Thereafter, if the trial is delayed, the tenant will pay the old or former rent to the landlord monthly on demand. The landlord when he makes the demand must tender to the tenant a receipt for the rent. Regardless of any terms, stipulation

## Ruling Blocks Big Rent Raise On New Tenants

Supreme Court, on Appeal. Deals Another Blow to Profiteering Landlords, Reversing City Tribunal

### Can Break Unfair Leases

Owners Must Prove Price Boost Fair, as in Other Cases Under State Laws

A decision of far-reaching importance in connection with the present housing situation, was handed down in the Appellate Division of the Supreme Court yesterday by Justices Lehman, Mullin and Burr. The ruling prohibits landlords from charging new tenants any higher rent than was paid by the previous occupant without proof that the increase is justified. The court holds that a lease or contract entered into by a new tenant does not jeopardize his right to relief from an excessive rent.

The decision, which reverses the order of Justice Young in the Fifth District Municipal Court, who held that a new tenant having signed a lease and paid the first month's rent had no right to claim "unjust, unreasonable and oppressive rent."

The case was that of Milton Elias Schattman, a lawyer, who signed a lease with Ellen A. Stewart for an apartment at 4 West 105th Street at the rate of \$130 a month, on April 6, last year. The lease took effect the following day. Schattman paid the May rent, but the June rent was not paid.

The landlord then instituted proceedings to evict Schattman. At the trial on June 23, Schattman asked for time to get a deposition from the former tenant, who was in Los Angeles, to the effect that the rent prior to Schattman signing the lease was \$80 a month. He appealed on the point of law involved. The landlord argued that a tenant had no right to make such a defense under the rent laws enacted a year ago.

The decision was written by Justice Lehman and reads as follows: "The fact that a new tenant enters into a written lease for premises not previously occupied by him, and pays the first month's rent, may be evidence to be considered by the court or jury upon the question whether the agreement is actually oppressive. But it does not as a matter of law bar such tenant from raising the defense that the rental is unreasonable and the agreement oppressive."

"It was the intent of the Legislature

in enacting these statutes to prevent landlords from using their property for purposes of oppression. The Legislature has not expressly limited the statutes to cases where the premises are occupied by a tenant who was in possession before the statute went into effect, and I can see no grounds for holding that such a limitation was implied. The Legislature has determined that unusual conditions made it advisable that the landlords' freedom to contract shall be limited, and that the rent that they can charge for premises to be used for dwelling places no longer shall be regulated solely by competition, but that a tenant may interpose as a defense to an action for rent accrued under an agreement for premises in the City of New York occupied for dwelling purposes that such rent is unjust and unreasonable and that the agreement under which the same is sought to be recovered is oppressive."

### England Ignores Report Of Inquiry in America

Sir Hamar Greenwood Tells T. P. O'Connor Indictment on Ireland Has No Weight

LONDON, April 9.—The London Times this morning publishes a reply of Sir Hamar Greenwood, the Chief Secretary for Ireland, to T. P. O'Connor, one of the Nationalist leaders in Parliament, who had asked Sir Hamar whether the report of the American Commission of One Hundred on conditions in Ireland had represented British forces as killing, assassinating and torturing people and also with destruction in Ireland, and whether the British government would make representations to the American government in reply to "this serious indictment."

The note of Sir Hamar to Mr. O'Connor follows:

"No copy of this report has yet been received by the government, but I understand it contains allegations of the nature indicated in your questions. The report is entitled to no more weight than should be given any judgment based entirely upon ex-parte statements put forward by persons admittedly holding extreme views."

"I need hardly say the commission has no official character and therefore affords no occasion for representations from his majesty's government."

### Women Voters to Cleveland

Forty-five delegates will leave New York today for Cleveland to attend the convention of the National League of Women Voters, which opens there Monday. Mrs. Carrie Chapman Catt and Miss Mary Garrett Hay will head the delegation, accompanied by Mrs. E. J. Shuler, Miss Esther Ogden, Mrs. Halsey W. Wilson, Mrs. Walter Timme, Mrs. Robert T. Oliver, Mrs. Henry H. Russell and other district leaders of the New York City League of Women Voters.

Mrs. Frank A. Vanderbilt, Mrs. Caspar Whitney and other officers of the New York State League of Women Voters will depart tomorrow. The convention will devote its energies chiefly to planning ways of pushing women's legislation now before Congress and of educating the women of the country in good citizenship.

## Slash Nation's Costs to Bone, Plan in Capital

Heavy Retrenchment Vital to Tax Revision, Mellon and Penrose Agree, if Profits Levy Is to Go

### May Hit Army and Navy

Abolition of Rail Labor Board, Trade Commission and Ship Body Advocated

WASHINGTON, April 8.—After a protracted conference over tax revision between Senator Penrose, chairman of the Senate Finance Committee, and Secretary of the Treasury Mellon this afternoon there were strong intimations that both the Administration and leaders in Congress recognized the necessity of a vigorous policy of retrenchment if anything like a satisfactory solution is to be found of the nation's tax problem.

The possibilities that important economies will be effected in the army and navy appropriation bills which have to be passed in the coming extra session was indicated by Senator Penrose. The Senator declared not only for retrenchment in army and navy expenditures but for cutting off many useless boards and commissions. He called for abolition of the Federal Trade Commission and the Railroad Labor Board, and held it was time to get the Shipping Board ready for the scrap heap.

Although there was secrecy as to the details of what passed at the conference, there is reason to believe the Administration and the leaders are embarrassed over the question of what taxes are to be imposed if the excess profits tax is repealed. Inasmuch as the Administration is committed to repeal of the excess profits tax, there is a growing recognition of the fact that substitute taxes should be avoided as far as possible by means of economy.

### Experts Accompany Mellon

Secretary Mellon was accompanied by Treasury experts, including Dr. Adams, head of the statistical board. In addition to Senator Penrose, Senator Watson, of the Finance Committee, was present a part of the time. Senator Knox was in attendance in the early part of the conference.

Senator Penrose announced after the meeting that he did not expect the recommendations of the Treasury Department to be made immediately, and

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that by about May 1 he expected the experts of the Treasury Department to be able to say definitely and for the first time what the requirements of the government would be. Senator Penrose now just what these would be, as the army and navy bills had not passed and the estimates on these bills by the departments might be reduced by Congress.

Senator Penrose said he had acquainted Secretary Mellon with the plans of the Finance Committee for an investigation into salient questions connected with tax revision. This investigation will begin next week. The first thing taken up will be the sales tax. Abolition of the excess profits tax will then be considered, although Senator Penrose said he thought the committee was unanimous for its abolition.

Emphasizing the need of economies in army and navy and in other respects, Senator Penrose said:

"My own thought about the army and navy is that both ought to have their appropriations reduced to the lowest minimum. I would look on each as I would on an industrial establishment that was inactive. I don't think the organization of the army or navy ought to be curtailed, but everything else should be curtailed."

### Sees No Chance of Wars

He referred to prospects of this nation becoming involved in war with any country of Europe as so remote they need not be taken into calculation, and said for purposes of national defense at home America was unapproachable. He thought no war likely in the next generation. He declared big reductions could be made in these branches, and a long line of boards and bureaus should be abolished.

"Their expenditures run into very many millions," said the Senator. "The Federal Trade Commission has become a national stench and scandal. The Railway Labor Board ought to go, and the scrap heap ought to be got ready for the Shipping Board. It is a gigantic mass of incompetence and is beyond rescue, in my opinion."

"It is needless to say an army of employees, especially in Washington, can be disbanded."

Senator Penrose said the Finance Committee would have to give careful consideration to abolition of a long list of consumption taxes, including transportation taxes, running up to about a half billion dollars.

## Craig to Fight Hylan From Stump, Is Report

Comptroller Is Angry at Tammany for Refusing to Give Him a Renomination

Tammany's turning down of Comptroller Charles L. Craig for a renomination has aroused the deepest resentment on the part of the Comptroller and those directly affected by prospective retirement of the Comptroller. There is a very strong probability that the Comptroller not only will oppose the renomination of Mayor Hylan, but that he will go to the length of taking the stump against him. Comptroller Craig's friends said yesterday that it was no surprise that Charles F. Murphy and his counselors have decided to refuse him a second

term. Mr. Craig told his Wall Street friends, some months since that he would not be a candidate for renomination.

His feeling toward the Mayor, never cordial, increased in power until last winter, one day, at the meeting of the Board of Estimate, he quit the council chamber in anger and he has not attended a meeting of the Board since. Deputy Comptroller Henry Smith "sits in" for him regularly and the work of the Finance Department goes on as usual.

The fact that Tammany was able to block the Comptroller's bill for the abolition of the office of City Chamberlain has added gail and bitterness to the Comptroller's cup. Comptroller Craig is regarded in Tammany circles as a dangerous fighter when aroused, and the fact that he is preparing to fight the Mayor in the campaign surprised and startled the Tammany men yesterday.

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# How to Meet the Shortage of Dwellings in America

When the call came to feed starving millions across the seas, American generosity, efficiency, and foresight were not wanting. Now comes a call to provide shelter for a great nation without homes enough for its growing population—and that nation is the United States. In the largest city of the country, 100,000 families are doubling up with one or more other families; there are places in the city where twelve persons live in three rooms; where four persons sleep in a kitchen every night; and hundreds of rooms in which four or five persons sleep. There is tuberculosis and there have been isolated cases of typhus. These conditions exist and this description appears in a report of a committee of the United States Senate which calls for government action to help build homes for our people.

In THE LITERARY DIGEST this week, April 9th, the leading article is devoted to the housing shortage and the steps that are being taken by Federal and State Governments, Builders' Associations, and other agencies toward alleviating the condition.

Among the other striking news-articles in this number of THE DIGEST are:

## Tearing Up the Turkish Treaty

While the Allies and Turks Are Engaged in This Action, The Greeks Wage War on the Turkish Nationalists in Defense of the Treaty

What Viviani's Visit Means  
To Cut Taxes By More Borrowing  
Lenine's Gold Declined  
Germany's Rampageous "Reds"  
Greece Having It Out With Turkey  
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School Punishments  
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